

Open Records FAQs

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During this session the Kansas legislature will be evaluating all the exceptions to the Kansas Open Records Act, and all the statutes limiting disclosure of public records. If your program deals with confidential records and you have concerns that your program may be impacted, please contact me right away.

Following are some frequently asked questions about open records:

What records are “open”? All public records are open for inspection unless closed by law. Agency records that are closed by law include birth and death certificates and lists of child care providers. Other types of documents may be closed at the discretion of the agency, including most personnel records, medical records, emergency or security information, or notes or memoranda “in which opinions or expressed or policies or actions are proposed.” A list of additional exemptions can be found in K.S.A. 45-221. No open records request should be denied without the approval of an agency attorney.

Commonly requested open records include:

- Statutes
- Regulations
- Policies
- Minutes/Records of open meetings
- Salaries of public officials
- Agency budget documents

Does the open records act only apply to paper records? A public record is “any recorded information, regardless of characteristics” in the possession of a public agency. *This includes e-mails*, as well as databases and other electronic documents. The agency is not required to produce copies of audio or videotapes unless they were played at a public meeting.

What if the requested information doesn’t exist in a recorded format?

There is no requirement for the agency to create a new record upon public request.

Who can request public records? Any person can request access to a public record. The agency cannot require the requester to provide any information other than the requester’s name, address, proof of identity, and any information necessary to establish the requester’s right to access the records.

Can a request be denied? Any request for information may be denied in whole or part. If the request is denied, the agency must identify generally the records to be denied, and the specific legal authority for the denial. The requester must be notified in writing within three business days.

What recourse does a requester have if denied information? Under state statute, the requester can file a complaint with the Kansas Attorney General's Office, or bring a private lawsuit, if they believe their request is wrongfully denied or mishandled.

How quickly can I get the requested information? Every attempt is made to comply with requests for open records as quickly as possible. If the requested material takes additional time to reproduce, again the requester must be notified in writing within three business days.

Can fees be charged for providing open records? Fees for photocopying of up to 25 cents per page are deemed reasonable. If fulfilling an open records request requires staff time (other than time for photocopying), you may charge for the actual cost of the staff time. Fees for providing information in electronic formats or other media should not exceed the actual cost of providing the records. Look for an agency-wide policy on open records fees in the near future.

More questions? Contact me at 296-3426 or dhighber@kdhe.state.ks.us, or talk to the agency attorney assigned to your program.